

June 24, 2008

**Senate Judiciary Human Rights and the Law Subcommittee Hearing
“From Nuremberg to Darfur: Accountability for Crimes Against Humanity”**

Statement by Bryan Ardouny, Executive Director of the Armenian Assembly of America

Mr. Chairman, Ranking Member Coburn, and Members of the Subcommittee:

The Armenian Assembly of America commends the ongoing work of this important Subcommittee in examining past crimes against humanity to draw lessons learned, to prevent future atrocities and to adopt meaningful legislation to address these critical present day issues.

America’s humanitarian intervention in various parts of the world in saving lives and bringing relief to millions of people – victims of crimes against humanity – can be traced from the Armenian Genocide of 1915, to the ongoing carnage in Darfur today. It was nearly 100 years ago, in the early 20th century, that the Honorable Henry Morgenthau, U.S. Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide. Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as “a campaign of race extermination” and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the “Department approves your procedure ... to stop Armenian persecution.”

Through its filing with the International Court of Justice (ICJ) in 1951, concerning the United Nations Genocide Convention, the United States squarely acknowledged the Armenian Genocide as a crime.

The document (relevant section attached) reads in part:

“The Genocide Convention resulted from the inhuman and barbarous practices which prevailed in certain countries prior to and during World War II, when entire religious, racial and national minority groups were threatened with and subjected to deliberate extermination. The practice of genocide has occurred throughout human history. The Roman persecution of the Christians, the Turkish massacres of Armenians, the extermination of millions of Jews and Poles by the Nazis are outstanding examples of the crime of genocide.”

While our interventions in Kosovo and Bosnia helped arrest the ethnic cleansing associated with these wars and helped bring stability and rehabilitation to the Balkans, international action came largely as a result of the bitter lesson learned in an earlier crisis in Rwanda, where the tragic inaction of the world community led to the commission of some of the most heinous crimes against innocent populations.

In the case of the Armenian Genocide, while the Allied Powers charged, for the first time, another government, Turkey, with committing “crimes against humanity,” the absence of international law to hold the perpetrators accountable was dishearteningly evident. But for a brief

series of domestic trials in Turkey, which were too soon discontinued, the organizers of the Armenian atrocities avoided responsibility and escaped judgment.

The very lack of accountability to one's own nation and to the international community for having committed mass atrocities propelled Raphael Lemkin, a true giant in the defense of human rights, to ask why a murderer may be charged for a single crime, while a mass murderer is excused. It would take one more genocide – the Holocaust – for mankind to find the sense of outrage that is now embodied in the U.N. Convention on the Prevention and Punishment of the Crime of Genocide, of which the United States is a signatory. In fact, the Armenian Assembly of America was part of the coalition of organizations headed by the American Bar Association advocating for the U.S. adoption of the U.N. Genocide Convention.

The U.S. can and must utilize the resources at its disposal to stem the loss of life and end the cycle of genocidal violence. Nicholas Kristof, of *The New York Times*, who has written extensively on this matter enumerated six policy recommendations in his November 29, 2005 editorial, "What's To Be Done About Darfur?" and concluded that "Finding the right policy tools to confront genocide is an excruciating challenge, but it's not the biggest problem. The hardest thing to find is the political will." His foresight was on the mark then, as it is now.

The application of the law should not be limited to prosecution after the crime has been committed. The U.N. Genocide Convention did not call for punishment alone. It also aspired for the prevention of genocide. Prevention, whether of a single crime or atrocities on the scale of genocide, starts with education. The laws on public education are where prejudice is averted and the environment of tolerance first is instilled. The Armenian Assembly and the entire Armenian-American community stand ready to help in these efforts.

Armenian-Americans, as descendants of the survivors of the Armenian Genocide, cannot remain indifferent to the suffering of the people of Darfur. Inaction is not an acceptable course of action. As Nobel Laureate Elie Wiesel stated in his Foreword to the book *Not On Our Watch*, by Don Cheadle and John Prendergast, "our failure to speak out to end the ongoing genocide in Darfur would place us on the wrong side of history...for the sake of our humanity, SAVE DARFUR." Therefore, we support continued efforts to bring legitimate pressure on the government of Sudan to affect change in its domestic and international conduct, toward addressing the dire humanitarian situation in Darfur, and preventing future violence in that region.

We urge this Subcommittee to continue to actively generate and introduce new mechanisms to better protect potential victims from future genocides and the consequences of genocide denial. In doing so, the U.S. will build on the proud legacy of Ambassador Henry Morgenthau, as well as that of former House Foreign Affairs Chairman and Congressional Caucus on Human Rights Co-Founder, the late Congressman Tom Lantos (D-CA), in their defense of human rights and action to address man's inhumanity to man.

"Remember: silence helps the killer, never his victims" – Nobel Laureate Elie Wiesel.